

TO: All Attorneys

FROM: Judge Julie Kocurek

RE: Procedures in the 390th District Court (Effective 10/04/99)

I. Guilty Pleas

(1) Penal code changes over the last few years have necessitated the use of several plea forms. They include: (1) the plea form for a state jail felony committed prior to Jan. 1, 1996 and (2) the plea form for a state jail felony committed after Jan. 1, 1996. The Court will have copies of these in English with Spanish translations on the back.

Please insure that you complete and submit the proper form.

(2) Any plea after September 1, 1999, to an offense described in Chapter 62 of the Texas Code of Criminal Procedure, requires the attorney and client to complete the Sex Offender Registration Admonishment Form. The Court will have copies of these in English and Spanish.

(3) Attorneys must go over the forms thoroughly with their clients prior to entry of the plea. The defendant must initial all appropriate blanks before signing the last page.

(4) If the case has been reduced to a misdemeanor or the punishment is not a standard penal code felony punishment, use the appropriate blank to insert the proper punishment range for the offense for which the Defendant will be sentenced.

(5) The appropriate form to use is the one which covers the offense to which the Defendant will plead. (Example: Defendant charged with 3rd degree felony, but will plead to state jail felony. Use state jail felony plea form.)

(6) The Court will question the defendant briefly under oath concerning his rights, his voluntary plea and his understanding of the document. Attorneys will be free to question the defendant to the extent necessary.

II. Sentencing

(1) Attorneys should review presentence reports prior to asking the Court to call the case for sentencing.

(2) Attorneys should carefully review all conditions of probation with their clients prior to sentencing.

(3) If your client is pleading to a lesser included misdemeanor and you wish to have sentencing occur contemporaneously with the plea, advise the probation officer when you fill out your plea form. No presentence report is required, and the conditions can be completed and presented to the Court at the time of the plea. This way the case can be concluded in one short, efficient hearing.

III. Jury Docket

(1) Cases should not be placed on the jury docket until discovery and plea negotiations have occurred.

(2) Cases should not be placed on the jury docket unless a jury trial is seriously contemplated at the time of the setting. If the attorneys need additional time for some legitimate purpose, the Court will allow a reasonable delay and place the case on the trial before the Court without witnesses docket.

(3) Jury docket call is set for 9:00 a.m. on the Thursday prior to jury weeks. If there are two consecutive jury weeks, then the jury docket call on the initial Thursday will be for BOTH jury weeks.

(4) If the parties announce “Ready” or all motions for continuance are denied, and the case is set for trial the following Monday, then any final plea negotiations should be concluded by the close of docket call on that Thursday. The Court must be notified about all plea agreements before 5:00 p.m. on Friday. Attorneys should understand that the Court may refuse any plea arrangement negotiated on the Monday of a jury trial week.

(5) Generally, arraignment will take place at the Jury Docket, or on Monday at 9:00 a.m. of a jury week. Jury selection will begin at 1:30 p.m. Monday. During jury weeks, the Court will expect attorneys to be present at 9:00 a.m. so that arraignments can be completed or pending matters resolved.

(6) Friday afternoons before jury week are reserved for the Court to meet with the attorneys to discuss legal issues, trial motions or any problems expected during the trial. Attorneys should be prepared to discuss all issues relevant to insuring an efficient and expeditious trial.

IV. Probation Revocations

(1) Probation Revocation cases are time consuming. Therefore, all attorneys must be well prepared to discuss all issues relevant to their client’s situation.

(2) Attorneys will be expected to know the status of the following relevant factors:

1. Pending misdemeanors or other subsequent offenses;
2. Out of county holds or warrants;
3. Parole or other probations;
4. Employment;
5. Living arrangements if released;
6. Number of days incarcerated;
7. Any other mitigating or exculpatory information.

V. When filing motions or other documents with the clerk’s office concerning cases assigned to the 390th District Court, please bring these documents to the attention of the 390th Deputy Clerk or place them on his desk.

VI. Please turn off all pagers and cellular phones before entering the Courtroom.

Thanks!

Judge Julie Kocurek